G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1910-11
(Banking)

File No. 36-10

Serial Nos. 1-2

Papers Filed.

Month February 1912

SUBJECT.

Regarding the legality of joint-nominations and joint-acquittances under the Insurance Rules.

PREVIOUS REFERENCES.	LATER REFERENCES.
B 29-1051-2	

H. Nagpatha
30.4.12

H Dues 654

G.R [11] 1910. 11

1

GENERAL AND REVENUE SECRETARIAT.

(Banking

NOTES.

File No. 36.

FILE HEADING.

Regarding the legalities of Joint Nominations & Joint Acquittances under the Insurances Rules

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

3-

The Dewan was pleased to note on page 4 of B 29-10 (dd 1-2-11 filed January 1911)

"I would like the H Branch (if necessary in consultation with

NOTES—First sheet

GPB—30,000—3-4-07.

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9

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Xtmas 654

the Insurance committee)
to discuss an objection which occurs to my mind to accept more than one nominee as has been done in this case. We can't take joint acquittances can we?"

Sd T & R 10th Jany.

2 may the file be sent to D.O in the first instance to the Secy Insurance committee Branch III may also have to be consulted.

Sd (45)
13/2

13/2/11 3 - a letter to the Secy I.C. asking him to place the matter

Taking acquittances before the Committee necessary & favourable an expression of opinion after the opinion of Br III is received.

To Sec I.C. & Br III for info & ret

Subd
SN
16.2.11

4 From a legal point of view joint nominations appear to be in contravention Under Sec 46 of the Contract Act

GPB—50,000—12-8-10

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the Govt can obtain a legal discharge of the debt only ~~by~~ by obtaining an acquittance ~~by~~ from all the nominees or their representatives in interest if any of them have died. Notwithstanding this provision of the law Some of the High Courts ~~have held~~ in British India have held that a promisor can obtain a discharge from one among Several ~~of~~ joint promisees but the other High Courts have refused to adopt this ruling and it is therefore undesirable that joint nominations Should be recognised

It may Sometimes happen that an insured desires to divide the bonus among Several of his heirs. This would be a very natural desire may especially in cases where he leaves behind heirs between whom there would be no natural ties of affection E.g. a Stepmother and children, as in the file below To provide for such Cases ~~incorporated in Courses~~ it may be considered whether it would not be possible to authorise the insured to allot specified Sums to Each of

NOTE—Contn. sheet.

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the nominees. Legally there would be no objection to such an arrangement as that Govt

L. B. [illegible]

21/4/11. [illegible]

Such 5 Lacs of Rupees after the reins & spurs (45) above. Would certainly be a step in the right direction — no doubt there will be some increase of work in the Insurance Office, but that would be in keeping with the Noble Philanthropic object in starting this Scheme — to dispense Nominations partitioning the amounts between several persons individually. While taking away the inconvenience of joint Nominations he certainly the taking of joint acquittance, the Nominator will have the satisfaction of dying in peace knowing full well that the party whom he intends to benefit ideal benefits would not be at the mercy of interested or designing persons. The file may be referred to the Legislative Committee for favor of opinion.

[illegible]

23/4

Note—Contn. sheet.

GPB—50,000—12-8-10

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6. The Insurance Committee are already considering the matter. Ofcourse where joint nominees exist the signature of all is held by the Insurance office absolutely necessary for a legal acquittance. The death of any of the joint nominees would make the nomination void. The action of the Insurance Committee is likely to be in the direction of drawing the attention of the insured persons to the disadvantages of joint nomination and also to rule that the nomination will not become void by the death of one of the nominees but the amount will be payable to survivors jointly. The idea of allowing insured persons ~~to~~ to divide the total amount of several policies amongst several nominees by a nomination letter has not been looked upon with favour by the Committee, but I think we may invite the Committee's attention to the subject & ask whether the difficulties in the way of giving effect to such an arrangement are really insuperable

28/2/11

Draft

Draft Issued
28/2 (45)

NOTE—Contn. sheet.

GPS—50,000—12-8-10

25/2

25/2

25.2.11

25/2

25.2.11

G. R. S. 12]
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B File No. 36 of 1910.

Serial No.	
1	To the Secy, Insurance committee No H 4718 B/ 6-3-11 Invites attention to rule 23 of the Insurance Rules wherein it is stated that 'If the insured is dead the monies shall be paid to the persons or persons nominated by the Insured & requests to place before the committee for their discussion the difficulty arising from accepting more than one nominee for a policy & taking a joint acquittance in respect of the same & also commends for consideration the idea of allowing insured persons to divide the total amount of several policies amongst several nominees by a nomination letter. Draft reminder as orally directed by the Asstt Secy is herewith submitted 22/7 [illegible] 7 Necessary papers are sent herewith Approved & returned P.T.O

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Banking File No. 36 of 1910

Serial No.	
	Subd. - No reply has yet been received.
	AHM-77 4/8/11 MWK-35 8- Done 5/8/11
2	From the Secy. to the Insurance Committee No. 610 of 21.8.1911
	To: Extract ~~of~~ from the Proceedings of the Ins: Committee in which it was resolved that no rule was deemed desirable on points referred to in Sl.1 and that the difficulty is removed to a great extent by the new Article 23B.
	Submitted for orders.
9	The new Art 23B proposed by the Committee has passed into law.
10	The general question raised in Sl. 1 has to be decided and, in accordance with this decision, the application of Balambigammal praying for payt. of ~~the~~ per share out of the bonus to which she & her two stepdaughters were nominated as beneficiaries, has to be disposed of-
	AHM-77 25.8.11 MWK-35 11. I think we may send the file to the

NOTE— Contn. sheet.

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Serial No.

Committee and asked them to reconsider their finding. The object of the Insurance Scheme being primarily for the benefit of the farmers & if the farmers themselves the provision for deducting the labour would be a logical fruition of the object

H Secy

28/8/11

12. I think the general question at A may be dropped. There are some practical difficulties in giving effect to it & the Insurance Committee are against it

28/8/11

Revenue)

28/8/11

13233

28.8.11

GPB—50,000—12-8-10

2 2974

1

G.R.S. 26]

File No. 36

Serial No. 1

4th Inst.

~~Diary~~ No. of letter replied to 654

No. 28 4713

96-3-11

General and Revenue Secretariat

(Bacteriology)

, *the* 19 .

To

The Secretary

Insurance Committee

Date of issue 6-3-11

Signed by W L Narasimhaiya for Sir,

I am directed to invite your attention to rule 23 of the Insurance Rules wherein it is stated that if the insured is dead the bonus shall be paid to the person or persons nominated

over.

SUBJECT.

2

by the Insured x to
respectfully you to be
so good as to place
before the Committee
for their discussion
the difficulty arising from
the ~~Contingent claim~~ Demand note
of accepting three
Thousand nominees
for a policy x taking
a joint acquittance
in respect of the same.
The idea of allowing
insured persons to
divide the total
amount of several
policies amongst
several nominees
by a nomination
letter is also com-
mended for consideration
by the Committee
I have etc

For H Seys

List of enclosures,

H Seys note

Copied by

Examined by

GEE—20,000—25-9-10

45
24/2

3

G.R.S. 26]

H Pub 654

Diary No. of letter replied to

Reminder

File No.

Serial No. 8

No. H 612

8 August 11

General and Revenue Secretariat

( )

, *the* 19 .

To

The Secretary, Assam
Committee

Date of issue 8-8-11

Signed by W L Harrison

Sir,

I am directed to
invite your attention
to this office No H 4713
dated 6-3-14 regarding joint
nominations & to request
you to be so good as to
expedite the submission of
the opinion of the Committee
called for therein at an

over.

SUBJECT.

4

early date.

List of enclosures,

Copied by 9/8/11

Examined by

GPB—20,000—25-9-10

5

Office of the Secretary,
Mysore State Life Insurance Committee,
Bangalore, dated 21st August 1911.

No: 610/11

24 DIARY No. 714.

1911-1912
SECTION Banking
FILE No. 36 of 1910
SERIAL No. 2

From

The Secretary,
Insurance Committee,
Bangalore.

To

J. S. Chakravarti Esq., M.A., F.R.A.S., &c.,
Financial Secretary to the Government of His
Highness the Maharaja of Mysore, Bangalore.

Sir,

I have the honour to forward herewith Resolution 2 passed in the meeting of the Insurance Committee held on the 12th August 1911, on the subject matter contained in Government Order No: Fl: 4713/B. 36-10 dated 6th March 1911, referred to for opinion of the Committee.

I have the honour to be,
Sir,
Your most obedient servant,

Joint: Secretary,
Insurance Committee.

A.S.-A.K.

6

Extract from the Proceedings of the meeting of Mysore State Life Insurance Committee held on Saturday the 12th August 1911.

Resolution 2.

Memorandum dated 15th March 1911, containing Government Order No: Fl: 4713-B-36-10 dated 6th March 1911, commending for consideration of the Committee (1) the difficulty arising by accepting Joint Nominees and (2) the desirability of allowing division of bonus among several nominees.

Resolved that the Committee do not consider it expedient or desirable to lay down any rule on the points urged by the Government The difficulty is removed to a -- great extent by Rule 23B, recently proposed by the Committee and --- sanctioned by Government. The rule will be printed on the back of the nomination application, so that every nominator may know how his nomination will be interpreted in case of death of one of the Joint Nominees.

J. Naty-Nay Murty

Joint: Secretary,
Insurance Committee.